

Appl. No. 10/685,914
Response Dated 11/16/05
Reply to Office Action of 7/28/05

REMARKS

Responses to Examiner's Remarks in Detailed Action

Reconsideration and further examination of the application is respectfully requested.

Status of Claims:

- a. Rejected Claims. 1, 3-6, 10-11
 - i. Claims 1,3,5-6, and 10-11 stand rejected over Percebois et al under Section 102(b).
 - ii. Claim 4 stands rejected over Percebois el al under Section 103(a).
- b. Allowed and Allowable Claims
 - i. Claims 7-9 stand allowed
 - ii. Claims 2 and 12-13 stand objected to, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Action Herein:

Applicant by this paper cancels rejected claims 1, 3-6, and 10-11 (without prejudice to the right to file continuing application(s) directed to such claims). Applicant further amends Claims 2 and 12-13 to address the objection of the Examiner and place these in independent form. Accordingly, Applicant respectfully contends that all outstanding issues have been responded to and sufficiently addressed to place the claims remaining in this application in condition for allowance of the application.

Amendments:

Please cancel claims 1, 3-6, and 10-11 (without prejudice to the right to file continuing application(s) directed to such claims).

Please amend Claims 2 and 12 and 13 as shown in the Claims Listing preceding this page.

Support for Amendments Made:

Appl. No. 10/685,914
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- a. Applicant's amendments herein canceling claims are believed to require no support. Applicant's amendments to claims 2 and 12-13 draw support from the claims upon which they previously depended. No further support is deemed necessary by Applicant

Claim Rejections, § 102(b)

Applicant cancels the rejected claims. Applicant's cancellation should not be interpreted as an agreement with the position of the examiner or as acquiescence, as Applicant reserves the right to pursue such claims or variations thereof in continuing applications.

Miscellaneous Remarks

1. Applicant submits an IDS herewith citing WO 01/13023 A1 by Saint Gobain Pipelines PLC. This is filed before the close of prosecution and is accompanied by a payment of \$180 via Credit Card Authorization.
2. Applicant attaches to this paper a copy of Information Disclosure Statements previously filed with the Patent Office on March 3, 2005; March 4, 2005; and July 19, 2005, respectively. (The attached documents are actually prints pulled from the PAIR file wrapper, showing the USPTO receipt stamp). Applicant has reviewed the Electronic File Wrapper via Private Pair, and does not find notations indicating consideration by the Examiner. Because these were previously submitted, they are believed to have been considered, but in an abundance of caution the Applicant resubmits them herewith. Applicant believes that the previous submission of these papers was timely and accompanied by appropriate fees and statements for the time during which they were submitted.
3. In the interest of ensuring full consideration by the examiner, Applicant notes that the Amendment filed on July 7, 2005 used the status label "(Original)," for Claim 12 when there were in fact amendments made to that claim. The Amendments were clearly apparent and underlined/struck out, and were specifically discussed in the Remarks so Applicant believes they were considered. Applicant's claim listing in

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this paper treats those amendments as having been entered (i.e., they are not underlined and struck out again).

4. Applicant further specifically notes that the parent application, 09/590,586 remains pending. The examiner in that parent application has raised and maintained a provisional obviousness-type double patenting rejection with respect to the instant application. Consideration of any issues of double patenting and any need for a terminal disclaimer is specifically requested. Additionally, Applicant informs the examiner that a separate continuing application, 10/841,197, which derives from the same parent, was also made the subject of an obviousness-type double patenting rejection over the parent, and the examiner may desire to review that reference for similar issues. In the even a double patenting rejection is made in this application by this examiner, Applicant reserves the right to reply with a terminal disclaimer.

Fees

This paper is believed to be timely. A single extension fee is required and is both hereby requested and authorized to be charged to Deposit Account 50-0954. In the event any other fees, extensions, or petitions are required, all fees are authorized to be charged to Deposit Account 50-0954 (for which the undersigned is an authorized signatory and user); and this paper hereby formally requests and petitions for all applicable and necessary extensions. The Applicant requests that this paper also be considered to incorporate, and that it be treated as, a petition to the extent any petition is necessary to maintain pendency of this application.

Applicant has diligently sought to comply with all requirements and to correct all informalities, objections, and rejections. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
BRADLEY ARANT ROSE & WHITE LLP

11/16/2005
Date

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205-521-8369



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CERTIFICATE OF EXPRESS MAILING

I hereby certify that on the date listed by my name below, the items detailed below are being deposited with the US Postal Service, using the Express Mail Post Office to Addressee service, in an envelope marked with Express Mail No. EV 387960996 US sufficient postage addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

1) Response to Office Action (including this page)	8 Pages
a) Exhibit A (an IDS newly Submitted)	2 Pages (including Exhibit Cover)
b) Exhibit B (previously submitted IDS's)	4 Pages (including Exhibit Cover)
2) A Credit Card Authorization Form	1 Page

Total 15 Pages

Nathan W. Johnson
Reg. No. 44,173

Date: November 16, 2005

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

If, after processing the enclosed checks, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954.

Nathan W. Johnson
Reg. No. 44,173
Authorized User